

disclosing any other steps or elements of the present invention. This is significant because it is only one of eight steps recited in claim 1 of the present invention.

The Examiner cites ¶ 41 of Anvekar as disclosing “checking whether the received LAI data is contained in the OPL file, and if not, then determining that the current network is a roaming network. ¶ 41 describes what Anvekar characterizes as a prior art process depicting the registration and location update process used to establish and maintain a call connection in a conventional GSM system. Specifically, ¶ 41 refers to the IMSI file contained on the mobile equipment’s SIM card not the OPL file recited in claim 1.

This is a significant difference between the present invention and the Anvekar reference that cannot be considered an equivalent step. The IMSI file contains the general MCC-MNC data pair for identifying the home network of the mobile equipment. Within the very large geographical area covered by the MCC-MNC pair are multiple service providers. The SIM’s OPL file contains sets of PLMN ranges and pointers to alphanumeric tags in the SIM’s PNN file. Thus, when the present invention cites steps in the claims that refer to the SIM’s OPL and/or PNN file there is no equivalent teaching in either the Sambin or Anvekar references.

Applicant believes that the Examiner has mis-characterized the Anvekar reference’s teachings with respect to the present invention. Even if taken at face value, Anvekar is cited as disclosing two additional steps recited in claim 1 of the present invention. This brings the sum total of recited claim steps between the Sambin and Anvekar references to 3 of 8. The remaining five (5) steps of claim 1 have been glossed over by the Examiner.

The Examiner states that “it is also obvious that if the OPL record, which includes the PLMN and LAC information, points to the first record, then determining that

the current network is a home network. The OPL file here shows that the mobile phone is located within the same area.”

Applicant has carefully reviewed both the Sambin and Anvekar references. Neither reference explicitly or implicitly references the OPL file or the PNN file contained on the SIM card. In contrast, these files are critical to the implementation of the present invention.

Sambin is directed toward providing a means for sending geographical location data from the mobile equipment to a remote service center. Anvekar is directed toward providing a means for registering a roaming cell phone in a visiting location as a local phone. The present invention is directed toward providing a mechanism for determining whether a mobile phone is actually within a home area (as opposed to roaming) without having to exclusively rely on the HPLMN data programmed into the IMSI file of the SIM on the mobile phone.

Claims 1, 7, 13, and 19 of the present invention recite eight steps. The Examiner has attempted to combine Sambin (one claim step) with Anvekar (two mis-characterized claim steps) in a 35 USC 103(a) rejection. In addition, the Examiner has stated that one of ordinary skill in the art would have known how to incorporate the remaining five steps recited by the claims rendering them obvious. How the Examiner comes to this conclusion when neither reference (Sambin or Anvekar) even remotely addresses the problems solved by the present invention, escapes applicant. The Examiner's rejection fails to meet the standards of 35 USC 103(a) because a) not all of the steps recited by the claim have been addressed, b) at least one of the steps attributed to the Anvekar reference has been clearly mis-characterized, c) the steps not addressed by the prior art references have not been satisfactorily explained as obvious, and d) the Examiner has provided insufficient motivation for combining the references.

This is because it would not be obvious to one of ordinary skill in the art to combine a geographical location based reference (Sambin) with a reference that registers a roaming cell phone in a visiting location as a local phone to solve the problem of determining whether a mobile phone is in a home network without exclusively relying on the IMSI file. Both Anvekar and Sambin mention and use the IMSI file but do not contemplate any use of the OPL or PNN file.

Applicant, therefore, respectfully requests reconsideration and withdrawal of the 35 USC 103(a) rejection of claim 1 and its dependent claims. Independent claims 7, 13, and 19 recite similar clauses in their respective claims. Applicant also respectfully requests reconsideration and withdrawal of the 35 USC 103(a) rejection of claims 7, 13, and 19 and their respective dependent claims as well.

Respectfully submitted,



Gregory Stephens
Agent for Applicant
Moore & Van Allen PLLC
PO Box 13760
Research Triangle Park, NC 27709
Telephone: (919) 286-8000
Facsimile: (919) 286-8199

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GS/pp